1826/01
10/9/01
D.R.
Asst. Registrar,
M. P. State Admn. Tribunal,
RAIPUR.

समक्ष माननीय मध्य प्रदेश राज्य प्रशासनिक अधिकरण,
खंडपीठ - रायपुर (छ.ग.) OA(S) 376/01

मूल आवेदन क्र. -------/2001

जी. डी. साहू आयु वर्ष
सहायक शिक्षक पूर्व माध्यमिक शाला
सरकण्डा, बिलासपुर, छ.ग. - आवेदक

विरूद्ध

1- छत्तीसगढ़ शासन
द्वारा सचिव, स्कूल शिक्षा विभाग
रायपुर (छ.ग.)

2- जिला शिक्षा अधिकारी,
जिला बिलासपुर (छ ग.) - अनावेदकगण

आवेदन पत्र अन्तर्गत धारा 19 म.प्र. राज्य प्रशासनिक अधिकरण अधिनियम 1985

आवेदक निम्नानुसार निवेदन करते हैं :-

1- आवेदक का विवरण :-

आवेदन पत्र के शीर्षकानुसार आवेदक का विस्तृत विवरण प्रस्तुत है।

2- अनावेदकगण का विस्तृत विवरण :-

अनावेदकगण का विस्तृत विवरण आवेदन पत्र के शीर्षकानुसार है।

3- आदेश का विवरण जिसके विरूद्ध आवेदन पत्र प्रस्तुत किया जा रहा है

1- आदेश क्रमांक :- 5629/स्था. 3/युक्तियुक्तकरण/2001
2- आदेश दिनांक :- बिलासपुर दिनांक 3/9/2001
3- आदेश जारीकर्ता :- कार्यालय जिला शिक्षा अधिकारी जिला बिलासपुर छ.ग.

-2-

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3769 of 2005

Petitioner G. D. Sahu
Versus
Respondents State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Y. C. Sharma , Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Middle School, Sarkanda, Bilaspur was transferred to Middle School, Silpahri, on the same terms and conditions, vide order dated 3.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 12.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 10.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur